

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ADRIEL WADLEY,

Case No.: 3:22-cv-00373-LRH-CSD

Petitioner,

**ORDER**

v.

SPARKS JUSTICE COURT DEPT 1, et al.,

Respondents.

This habeas matter is before the Court on Petitioner Adriel Wadley's failure to comply with the Court's Order (ECF No. 7).

Petitioner initiated this case by submitting a purported habeas petition that was not on the court-required form (ECF No. 2-1), and he did not pay the five-dollar (\$5.00) habeas filing fee or file an application to proceed *in forma pauperis* ("IFP") for incarcerated litigants. *See* 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2. On September 19, 2022, the Court ordered Petitioner to either pay the \$5 filing fee or submit a complete IFP application with all required attachments on or before October 21, 2022. (ECF No. 7.) The Court also ordered Petitioner to file an amended petition on this Court's form on or before October 21, 2022. (*Id.*) Petitioner was warned that a failure to comply by filing an amended petition and either (a) submitting a complete IFP application or (b) paying the filing fee by the October 21, 2022, deadline would "result in the dismissal of this action without prejudice and without further advance notice."<sup>1</sup> (*Id.*)

To date, Petitioner has not filed a completed IFP application, paid the \$5 filing fee, filed an amended petition, or requested an extension of time. Rather, Petitioner filed a motion to

<sup>1</sup> This Court also noted that Wadley's petition appeared to seek federal judicial intervention in a pending state criminal proceeding, which is prevented by the *Younger* abstention doctrine unless there are extraordinary circumstances, and appeared to not be exhausted. (ECF No. 7.)

1 suppress evidence and dismiss all charges, which is similar to his previously filed motions bearing  
2 the same caption. (ECF No. 8.)

3 IT IS THEREFORE ORDERED that this action is **DISMISSED WITHOUT**  
4 **PREJUDICE** based on Petitioner's failure to comply with the Court's Order (ECF No. 7).

5 IT IS FURTHER ORDERED that Petitioner's motions to suppress evidence [ECF Nos. 4,  
6 5, 8] are denied as moot.

7 IT IS FURTHER ORDERED that Petitioner is denied a certificate of appealability, as  
8 jurists of reason would not find dismissal of the petition for the reasons stated herein to be  
9 debatable or wrong.

10 IT IS FURTHER ORDERED that the Clerk of Court is instructed to add Nevada Attorney  
11 General Aaron D. Ford as counsel for Respondents. No response is required from Respondents  
12 other than to respond to any orders of a reviewing court.

13 IT IS FURTHER ORDERED that, pursuant to Rule 4 of the Rules Governing Section 2254  
14 Cases, the Clerk of Court will file the Petition (ECF No. 2-1) and informally serve the Nevada  
15 Attorney General with the Petition (ECF No. 2-1), this order, and all other filings in this matter by  
16 sending a notice of electronic filing to the Nevada Attorney General's office.

17 IT IS FURTHER ORDERED that the Clerk of Court is directed to enter final judgment  
18 accordingly, dismissing this action without prejudice, and close this case.

19 DATED this 2<sup>nd</sup> day of November 2022.

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22 LARRY R. HICKS  
23 UNITED STATES DISTRICT COURT